

REMARKS

This is a full and timely response to the Official Action mailed June 28, 2006. Reexamination and reconsideration of the rejections set forth therein in light of the following remarks are courteously requested. Claims 64-71 have been added for consideration by the Patent and Trademark Office. They find basis in the Specification in original claims 1-10. Claims 1-10 and 63 have been cancelled without prejudice. Applicants respectfully request consideration of new claims 64-71.

The Office Action of June 28, 2006 rejected Claims 1-10 and 63 under 35 U.S.C. 112, first paragraph, on the following basis:

...because the specification, while being enabling for botanical families of leguminosae, solanaceae, gramineae, and cucurbitaceae, does not reasonably provide enablement for most nondenatured botanical extract. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. [Office Action, p. 3] (emphasis added)

Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Applicants respectfully submit that the foregoing rejection is moot in view of the fact that they have cancelled claims 1-10 and 63. For this reason, applicants respectfully request reconsideration of the rejection of Claim 1 under 35 U.S.C. 112, first paragraph.

The Office Action further rejected Claims 1-10 and 63 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action alleges that the "claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." [Office Action, p. 4].

Applicants respectfully submit that the foregoing rejection is moot in view of the fact that they have cancelled claims 1-10 and 63. For this reason, applicants respectfully request reconsideration of the rejection of Claim 1 under 35 U.S.C. 112, first paragraph.

For the foregoing reasons, applicants respectfully submit that the above-captioned application is now in condition for allowance. Accordingly, favorable reconsideration of the above remarks and an early Notice of Allowance are courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned Attorney at the below-listed number.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750.

Respectfully submitted,

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